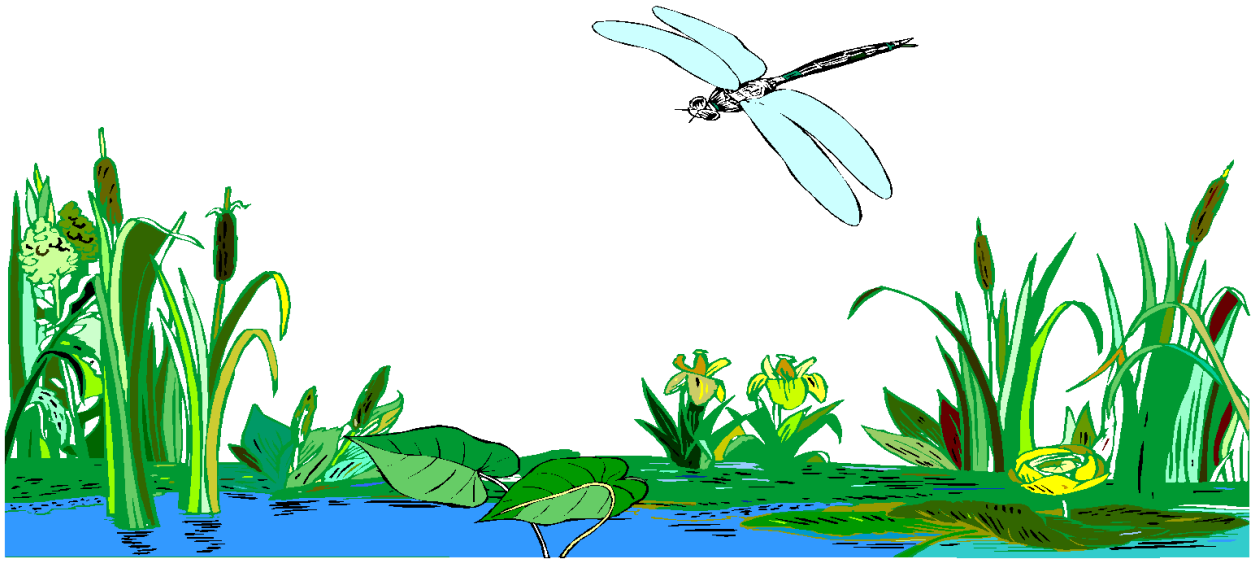

Exploring Wetlands Stewardship

A Reference Guide for Assisting Washington Landowners

WASHINGTON STATE DEPARTMENT OF ECOLOGY

Publication No. 96-120
October 1996
(Revised January 2000)

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This guidebook is available for photocopy and distribution by any user.

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We strongly encourage readers to submit new information for inclusion in the guide and database. Suggestions for improvement are also welcome, as Ecology plans to update these materials regularly. Please contact the Wetlands Technical Unit at (360) 407-7258.

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Foreword

Wetlands. Even the term captures our awkwardness or conflict as we combine two of the earth's most powerful core elements: water and land. Lost in our new scientific jargon are the unique fens, marshes, bogs, and swamps that reflects our historical connection with each individual site; the local sense of place, each site with unique function and contribution to the hydrological cycle. The universal term of "wetlands" too often leads to over-simplification of the complexity of each dynamic place where water and land are one; that wet place over by the barn, the bog that supports ducks each fall, or that special place in the back where neighborhood children first explore nests and dragonfly paths.

This guidebook must start with an acknowledgment that our task will be easier if we see each wetland site and each landowner as unique and important. Each wetland site provides different functions that offer some economic and ecological benefits to the community. Each landowner in the watershed plays a unique role as steward of their part of the landscape. Therefore, each individual wetland offers us an opportunity to do the rewarding work of developing an individualized plan that assists the willing landowner to manage their unique bog, fen, or marsh; and perpetuates that wetland system.

Exploring Wetlands Stewardship is a welcome resource for all of us interested in developing new ways to work together to identify the best options for individual landowners. It correctly encourages a local, site specific analysis of the ecological functions of each particular wetland site. Then it recommends a candid two-way dialog about the individual landowner's management goals, with an analysis of the economic incentives that can be applied to craft an optimum package for each landowner and wetland.

Resource planning too often is seen as solely a scientific enterprise. In reality it is much more a socio-political process. Systems are often the most prolific and creative on their edges, where two types come together, like forest and meadow, water and land.

So, as a society, can we accept the challenge set forth here: to embrace the complexity and to become most creative on the edges of our conflicts? It is the tension of the places that are both water and land that offers us the opportunity to balance both economy and ecology. These are the issues with the power to bring us together to develop solutions that combine the best of our creativity, and reflect our communities working together for our collective future.

This is the challenge of our time; a challenge that deserves our best effort.

L. Katherine Baril, WSU Cooperative Extension
WSU Community Learning Center- Jefferson County

About this Guidebook

This guide is about voluntary wetlands stewardship. It provides information about stewardship applications landowners and members of a local community can use to protect and conserve wetlands.

The primary areas of stewardship include: 1) **preservation** using techniques such as conservation easements, land sales, and land donations; 2) **conservation** through tax incentives, limited development, and density transfers; and 3) **recovery** of wetlands and riparian areas, by applying best management practices (BMPs), restoration, or enhancement.

Exploring Wetlands Stewardship is written as a desk reference for individuals who provide technical assistance directly to landowners; such as field staff of: natural resource agencies, local governments, conservation districts, cooperative extensions, and private or non-profit organizations. The purpose of this information is to improve the technical agent's awareness of assistance options, so they can better meet the needs of the landowner seeking technical or financial support to improve the stewardship of their land. Therefore, an introduction to stewardship techniques and a directory of programs that assist with stewardship implementation are included.

Exploring Wetlands Stewardship is not a reference intended for direct use by landowners, although some may choose to use it. Moreover, the notebook format allows for copying of pages by the technical agent to easily distribute specific items when working with a landowner in need of particular information.

In this document, Chapter 1 starts with an introduction to wetlands stewardship and its role in the watershed. Chapter 2 discusses how one assesses the needs of the land and the landowner in selecting a stewardship strategy and choosing the appropriate technique(s) to apply. Chapter 3 offers descriptive summaries of government and private groups one can approach to get assistance with stewardship. And, finally, Chapter 4 provides a directory of stewardship programs offering select technical and/or financial support. Their sponsors are federal, state and local agencies and private organizations.

Throughout the guide, brief vignettes offer examples of how the stewardship techniques and programs have been applied. Decision trees, tables, quick reference guide, and contact lists are provided to help the user decide what to do and where to get help. The appendices provide references, lists of contacts, and worksheets.

In addition to this guidebook, a training video is also available. It covers the role of wetlands stewardship, its economic benefits, discussion of some techniques, and a how-to on Guidebook use.

The content of *Exploring Wetlands Stewardship* is available on the World Wide Web site:
http://www.wa.gov/ecology/biblio/96120.html

Information in the guidebook is updated regularly to maintain a current reference. Users are welcome and encouraged to contribute relevant information for updates. Refer to the inside cover of this Guide for all order and contact information.

A Cautionary Note: With the number of programs listed in this directory, one might assume there is adequate financial and technical support to address wetlands stewardship. This is not the case. Many programs have narrow criteria for eligibility and many do not focus specifically on wetlands, but rather provide assistance for one functional attribute of a wetland or support another resource area that is peripherally related to wetlands. In these cases, wetlands might be only a small part of a program's focus.

For many of the programs, staff and funds are not adequate to meet current demand, causing backlogs where excellent projects may wait several years to begin. In addition, government sponsored programs are often subject to annual or biennial fluctuations in funding allotments.

Creating the fit between one or more program(s) and a desirable wetlands stewardship project may take some doing. However, at a time when regulation of natural resources, particularly wetlands, is increasingly criticized, pursuing voluntary conservation options may better meet the needs of many citizens.

Chapter 1: Introduction

Wetlands Stewardship

What is wetlands stewardship?

Stewardship is the act of caring for the land. It is a practice of "giving back" to the earth. Stewardship recognizes that there is a relationship between humans and the land that sustains us and that humans must live in balance with the earth. As in any good relationship, taking personal responsibility is required and that action is voluntary. Good stewardship requires careful consideration of the needs of the land, the landowner, and the larger human and non-human community around them.

Wetlands stewardship can include:

- Long-term preservation using purchase or donations, and conservation easements;
- Non-compensatory enhancement, restoration, or creation;
- Improved management through use of best management practices, management plans or agreements and partnership contracts; and
- Incentives such as current use taxation, transfers of development rights, etc.

Stewardship, however, is as much an opportunity as a responsibility; although, the benefits of stewardship are different for different people. Some landowners seek the enhanced quality of life achieved by retaining the natural and cultural values of their property for recreation and enjoyment. Others may wish to protect the natural functions while also achieving direct economic benefit from the property.

Conserving wetlands does not have to mean an economic loss to the landowner. A growing number of landowners are realizing that they can benefit economically by protecting and enhancing wetlands. Some financial benefits include direct income, estate tax reductions, and in some cases, income and property tax reductions. Production benefits can also be derived from protecting or conserving natural wetland processes.

For instance, the Chehalis Valley is home to many grass-hay pasture dairies with little winter grain production. Instead many of the dairy pastures develop sheet water areas through the winter which are heavily used by waterfowl, and thus contribute to the viability of the Grays Harbor estuary as a wintering waterfowl area. Along with the obvious benefits to waterfowl, agricultural producers who have allowed for such flooding have found: improved top soil retention; accelerated breakdown of crop residue; decreased weed growth; reduced need for fertilizers; and, in some areas, a barrier against saltwater intrusion. In addition, wetlands that support waterfowl can offer revenues from parties willing to pay for wildlife viewing or hunting privileges.

A riparian example of increased production benefit is the prevention of further rangeland loss when ranchers invest in repairing eroding streambanks and providing alternate watering sites for animals.

Several state and federal programs are available that offer cost-sharing for preserving or restoring wetlands, and even direct payments for conserving wetlands. Landowners can receive financial or technical assistance for providing conservation easements on their wetlands. Along with the economic returns already mentioned, many urban communities in Washington are experiencing increased property values when open spaces such as wetlands are preserved; assuring the owner of permanent solitude and an aesthetic view.

Stewardship options abound. Landowners can sell their wetlands for permanent preservation, sell rights to their land, place lands in conservation easements, receive payments for conservation or restoration work, make use of incentives such as current use taxation programs, apply management practices that enhance values, donate or acquire lands and/or apply many other innovative approaches. Often landowners can and do receive income or other tax benefits for implementing the options they choose.

As land stewards, private property owners have a tremendous opportunity to conserve and protect wetlands through wise land-use decisions. Their attention to stewardship can complement and enhance existing regulatory efforts to protect wetlands. Although federal, state, and local regulations may protect some wetlands from certain activities such as dredging or filling, other activities are not regulated, thus resulting in the gradual degradation or loss of wetlands systems in the absence of committed voluntary stewardship.

Definitions of Stewardship Terms

Best management practices are cost-effective land management actions that minimize the impacts of certain land-uses. Examples are fences that keep farm animals out of the riparian areas, use of grass swales to filter runoff and improve water quality, etc.

Bioengineering is an engineering technique used to restore riparian corridors and shorelines. It uses natural materials and processes to reshape and stabilize eroding streambanks by replanting the soils with native vegetation.

Buffers are natural areas surrounding a wetland that reduce adverse impacts to wetland functions and values from adjacent development and/or land uses.

Conserving means to use carefully, preventing loss or depletion, as in the act of managing.

Incentives are designed to help motivate landowners and/or developers to conserve or protect wetlands while receiving some economic benefit. Incentives include tax-based techniques such as current use classification and regulatory-based techniques such as: density transfers, cluster development, and transfer of development rights.

Preservation means to keep or maintain intact. For wetlands, this means retaining them in their natural state without modifying their function.

Wetlands are "those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas" (33 CFR 328.3(b)). Wetlands classes include Estuarine, Riverine, Lacustrine, and Palustrine Systems as defined by Cowardin et al. (1979).

Wetland creation is the conversion of a non-wetland area into a wetland where a wetland has not existed in recent (100-200 years) times.

Wetland enhancement is any action(s) taken to improve natural wetland structure and processes to the advantage of certain functions over others. (Enhancement and restoration are often confused. Enhancement is the intentional alteration of an existing wetland to provide conditions which previously did not exist and which by consensus increase one or more values. Improving conditions to enhance one function, however, is often, but not always, accompanied by declining conditions for another function.)

Wetland restoration is any action(s) taken to re-establish natural wetland structure and processes, which result in a recovery of functions to areas which have been altered, degraded, or destroyed. (This term frequently refers to the restoration of hydrology coupled with re-establishment of self-sustaining, native vegetation.)

Note: The definitions presented for enhancement and restoration are not those used in regulatory programs. These are broader interpretations viewed from a stewardship perspective.

Wetlands in the Watershed

Wetlands are among the most productive and valuable of natural areas, providing a wide variety of environmental and human benefits. Their functional contributions are particularly impressive given that wetlands constitute only 5% of Washington's landscape. As such, the protection and conservation of wetlands within watersheds dramatically benefits the health of these overall systems and the economic livelihood of local communities.

What is a watershed?

A watershed is a region draining into a river, river system, or body of water defined by a ridge of high land that divides it from adjacent river systems (Webster's).

You are always in a watershed, no matter where you are on the land: even in the middle of the driest terrains. Water from falling rain and melting snow seeps into groundwater and flows into creeks, streams, wetlands, lakes, rivers, and, ultimately, estuaries. A watershed may be large or small, draining an area that covers several states, such as the Columbia, or covering an area as small as a few acres. Tributary streams to larger river systems constitute sub-watersheds or sub-basins. Often a number of sub-watersheds or sub-basins make up the larger watershed or basin system.

Because they are landscape-based, watersheds provide useful geographic units for resource management aimed at protecting the health of aquatic ecosystems and the health and economic vitality of human communities within these landscapes. It is important to look at watershed systems holistically, as the cumulative addition of many small actions within the system can lead to major effects on water quality and quantity downstream.

Taking a "watershed approach" is a natural-resource management strategy that recognizes the critical nature of maintaining whole functioning watershed systems to correct key environmental problems. Using this approach, one must look at the ecological processes at work in the watershed and address protection and recovery efforts toward maintaining these processes rather than focusing on structural quick fixes alone. For salmon, the process-based solutions address maintaining vegetated riparian corridors and upstream forests, whereas, the structural solution simply places bundles of large woody debris (LWD) in streams, ignoring the feeder mechanism of live trees nearby. A process-based focus assures long-term solutions to watershed problems and saves money. Whereas, structural solutions are more temporal and can

fail. Failure occurs when other perturbations from process-based problems such as excessive runoff or sedimentation wash-out the LWD during a storm event. In these instances, without vegetated riparian buffers and upstream forests LWD is not replaced in the natural cycle.

Using a method called River Basin Characterization and assessment it is possible to understand the condition of a watershed's ecological processes such as water delivery, sediment loading, habitat degradation, etc. The method identifies links between cause and effect by examining human activities in the watershed in relationship to environmental problems occurring in these defined geographic areas and then targets actions at the true cause of the problems.

Taking a watershed approach also emphasizes "community-based environmental management" which relies on the citizens, landowners, businesses, and community groups in the watershed to define the problems, to set priorities, and to help with the solutions.

Wetlands play a crucial role in watershed management. Although their numbers are small on the landscape, their functional contributions to environmental processes are exceptional.

Wetlands improve water quality by trapping sediments and assimilating pollutants and excess nutrients. They also recharge groundwater and maintain stream flows, control runoff and store flood waters, reduce erosion, and stabilize shorelines. Wetlands provide critical feeding and breeding habitat for fish and wildlife, including threatened, endangered, and commercially important species. Additionally, wetlands offer recreation and scenic opportunities and provide outdoor classrooms and laboratories.

Flooding, degraded water quality, limited water supplies, habitat loss, and sedimentation or erosion are some of the most common environmental problems Washington communities face. However, as wetlands are lost upstream, erosion, flooding, and sedimentation of lakes and rivers increases downstream. Decreases in wetlands affect waterfowl and other wildlife populations dependent on wetlands. Especially, declining fish populations can be closely tied to the decline and degradation of wetlands and riparian vegetation.

In Washington, many anadromous salmon species (and/or stocks) are threatened or endangered. The State's development of a wild salmonid policy (outlining goals and objectives for salmon recovery) recognizes that wetlands and wetlands stewardship play a critical role in creating a viable future for Pacific Northwest salmon. The Pacific Northwest salmon crisis reinforces the importance of wetlands to our local economy.

Certainly, healthy wetlands ecosystems are needed to maintain our economic resource base. Nationally, the coastal marine fishing industry annually harvests over $10 billion of commercial wetlands-dependent fish and shellfish, including trout, perch, catfish, menhaden, shrimp, oysters, and crab, as well as salmon. Wetlands save millions in annual flood, erosion, and storm damage by temporarily storing flood waters and slowing water velocities. Damages from these problems already cost the nation $3 to $4 billion annually in revenues. Nationwide, over $10 billion is spent annually by an estimated 50 million people on fishing, hunting, boating, nature study, photography, and swimming.

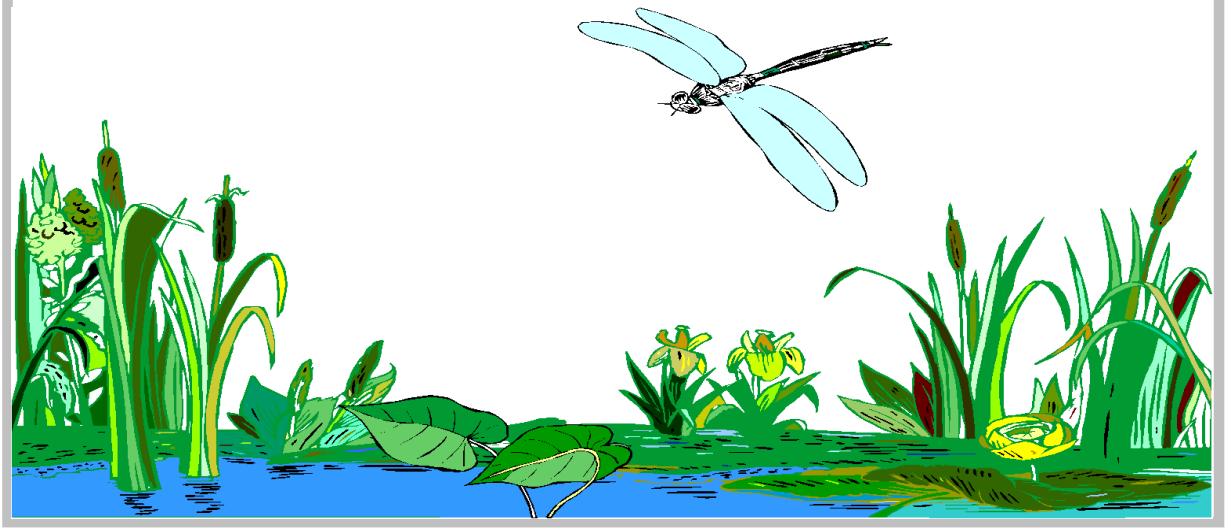
For Washington State, where we are experiencing rapid growth in our communities, it is increasingly apparent that the "services" wetlands provide equate directly to the economic welfare of these communities. These benefits come in the form of reduced expenditures for engineered infrastructure costs, economic return from corporate investment stimulated by quality-of-life, and the experience of that quality-of-life itself.

DuPuis Tree Farm

Fish issues are a hot topic in the Pacific Northwest and many rural landowners have expressed interest in implementing fish habitat improvement projects. One good example is 1992 Clark County Tree Farmer of the Year, Dan DuPuis. DuPuis owns three tree farms in Clark County, including 40 acres along Chelatchic Creek, a salmon-bearing stream, near Amboy, Washington.

DuPuis was concerned about water quality and fish habitat in the creek. With the advent of the Forest Stewardship and Stewardship Incentive Programs, he saw an opportunity to improve fish habitat on his property. He also saw opportunities for upland wildlife habitat, habitat enhancement, and timber stand improvement practices.
Dan called on Forrest Koponen, DNR Southwest Region Forest Stewardship Coordinator, for assistance. Koponen enlisted additional expertise from Forest Stewardship Wildlife Biologist, Ruth Milner. Koponen and Milner worked with DuPuis to develop a Forest Stewardship Plan for the property. DNR Fisheries Scientist, Jeff Cederholm, and Department of Fish and Wildlife Biologist, Ken Mohoric, helped design the specifics of the habitat improvement project.

Using distribution surveys, Cederholm and Mohoric showed the importance of large woody debris in the stream channel. “Fish are attracted to wood like a magnet,” Cederholm commented as he surveyed the area under a log to reveal several young fish. Woody debris did not accumulate in this section of the stream, so DuPuis and the biologists agreed that placing and anchoring several large logs in the stream channel would be a big help.



A forested wetland area adjoining the stream was identified as critical fish habitat. "Coho salmon spend the winter in these off-channel wetlands," noted Cederholm. He proved his point using the survey to reveal Coho salmon fry overwintering amongst the skunk cabbage in only a couple of inches of water! Cederholm further explained that this overwintering wetland habitat could be enhanced significantly by placing small logs at strategic intervals to back up shallow pools of water. DuPuis made plans to install several shallow, off-channel pools for the overwintering Coho. Much of the main stream channel was bordered by reed canary grass which had crowded out other vegetation. Plans were made to plant riparian tree species to improve the streamside habitat.

Dan applied for Stewardship Incentive Program (SIP) funds at his local Agricultural Stabilization and Conservation Service (ASCS) office and for a Hydraulics Permit from the Department of Fish and Wildlife. After SIP cost-sharing and the Hydraulics Permit were approved, work began in the summer of 1992. Since then, several logs have been installed in the main channel, several shallow, off-channel pools have been created in the forested wetland, and trees have been planted along the stream.

Was the project successful? "Absolutely," says DuPuis. Biologist Cederholm repeated the survey after the projects were installed and found more fish taking advantage of the newly created habitat.

"It shows that one landowner can make a significant difference," commented Forrest Koponen, when he presented DuPuis with a "Stewardship Forest" property sign in recognition for his efforts. Since the project, Dan has talked to several other area landowners and hosted tours of the property in hopes that others will do similar projects on their property.

For more information about this project, contact Steve Gibbs at the Washington Department of Natural Resources (360) 902-1706.

Laws Governing Wetlands

Although the purpose of stewardship is to conserve wetlands and their values, some stewardship actions may be subject to regulation. For example, to restore the historic water level in a wetland, a water control structure may need to be installed on a stream. This will require a permit. Natural resource agencies and landowners must, therefore, be aware of federal, state, and local regulations on activities that affect wetlands.

The *Wetland Regulation Guidebook*, (WA Department of Ecology, 1994, Publication #88-5), describes laws and regulations applying to wetlands. Contact Ecology Publication's Office (inside cover) to order or obtain Ecology's Homepage access.

Joint Aquatic Resource Permits Application (JARPA)

To streamline the permit application process for water-related projects, Washington has begun implementing the Joint Aquatic Resource Permits Application (JARPA). The JARPA application combines seven different permit applications into one. **JARPA covers all of the most frequent federal and state permits relating to wetlands.** These include the State Shoreline Management Act, State Hydraulic Permit, State Water Quality Certification, and Section 404 & Section 10 of the Federal Clean Water Act. Rather than completing several separate forms, the applicant fills out one standard permit application for all.

To begin review, the standard application is completed and is submitted to each permitting agency at the same time. The standardization does not reduce the number of permits required, it only makes the application process easier. The application still needs review by the respective agencies and each agency still issues separate permits in accordance with their existing authorities. Some local governments participate in the JARPA program, combining all or some of their wetland related permits on the JARPA form. Check with the local jurisdiction about local participation in the JARPA format, or contact the Ecology Permit Center at homepage http://www.wa.gov/ecology/sea/pac/index.html

Watershed Restoration Permit

New 1995 state legislation established a new directive for permits addressing restoration work. The **expedited watershed restoration permit** differs from JARPA, in that it is more than a consolidated application. It coordinates government review, specifying that complete applications must be processed in 45 days at no charge to the applicant. The Washington State Conservation Commission led the development of the expedited permit, which may only be used for projects designed to enhance fish and wildlife habitat. Applications are submitted to the local conservation district for processing.

Three permits are consolidated in the new process:

1. Approvals related to water quality standards under chapter 90.48 RCW,
2. Hydraulic project approvals under chapter 75.20 RCW, and
3. Section 401 water quality certification under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

To qualify, the project must:

1. Be part of a watershed restoration plan which has undergone public review pursuant to the State Environmental Protection Act (SEPA), chapter 43.21 RCW;
2. Be principally designed to improve fish and wildlife habitat; and
3. Meet one of the following three criteria:
   a) A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is imported, removed, or disturbed, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
   b) A project for restoration of an eroded or unstable streambank that employs the principles of bioengineering and has a primary emphasis on using native vegetation;
   c) A project primarily designed to improve fish and wildlife habitat by removing or reducing impediments to migration of fish or enhancing the fisheries resource available for use by all citizens of the state, provided that any structure associated with the project is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream.

For more information about these permits contact the Ecology Permit Center (1-800-917-0043) weekdays, from 9 to 4 p.m. or e-mail ecypac@ecy.wa.gov

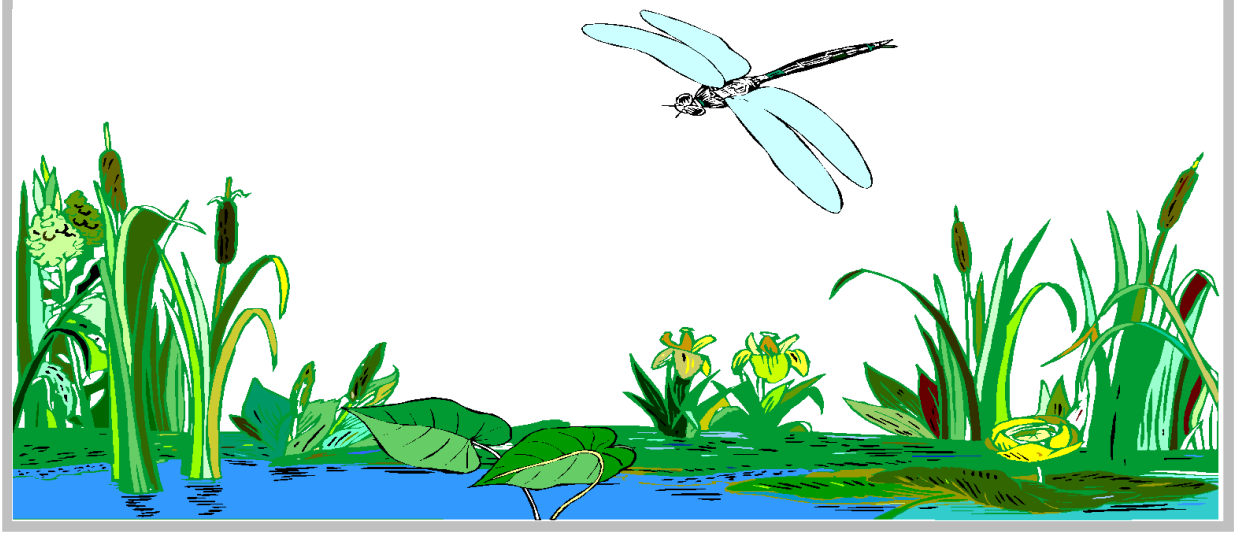
Spencer Island Intertidal Wetlands Restoration

Spencer Island is the largest tidal wetlands restoration project of its kind using "watershed approach" in Washington State. It is a shining example of a voluntary stewardship effort involving numerous federal, state, and local participants as partners working to return a rare wetland type (intertidal brackish saltmarsh) and its' functions to the Snohomish River watershed.

From pre-settlement times to 1977, the Snohomish River has lost over 10,000 acres of wetlands. Since the first Puget Sound Water Quality Management Plan (Puget Sound Plan) in 1987, which called for wetlands preservation efforts, Snohomish County has been actively preserving wetlands in the lower watershed. When the County began acquiring diked wetland areas, locally referred to as the "delta lobes", the intention was to attenuate flood impacts to the surrounding communities. That focus quickly expanded to preserving the natural qualities of the lower watershed, including habitat and recreational values.

The County teamed with Washington State Department of Fish and Wildlife (WDFW) in 1989 to buy Spencer Island. The northern island, prime waterfowl nesting habitat, was purchased with funds from WDFW's Migratory Waterfowl Stamp Program. The County bought the southern island to be used for a park, with a grant from the Washington Department of Natural Resource's Aquatic Lands Enhancement Account.

In 1991, the US Environmental Protection Agency, US Fish and Wildlife Service, and Washington Department of Ecology began collaborating to conduct a pilot wetlands



restoration project under the Puget Sound Plan and secured funds from EPA's former Puget Sound Estuary Program. Spencer Island was selected for restoration because it had the potential to meet many objectives in the lower Snohomish watershed including, returning salmonid habitat, recovering a now rare and historic wetland type, and recovering native plant communities from exotic plant species invasion. In addition, Snohomish County was an enthusiastic local partner to lead the process.

From its inception, this half million dollar project has had strong support from all participating parties, each contributed funds or technical help when needed. In addition, Ducks Unlimited and the Audubon Society, stepped in to help with funds to support enhancement and volunteers to monitor bird activity.

The construction aspects of the project included a cross levee along the lower portion of the island, replacement of culverts in several locations along the exterior dike, and excavation of previously dredged channels for maintenance of water flows. The cross levee feature was provided to address the management needs of Department of Fish and Wildlife for maintaining waterfowl nesting and rearing habitat from tidal inundation.

During the dawn hours of November 19, 1994, the southern dikes were breached. A joyous toast was raised warming the chilled partners as they waited for the waters to rise. The land, long separate from the river, held the promise of return from a freshwater to brackish marsh. Soon, salmon fry would once again find refuge in this wetland sanctuary: gaining strength for the many years at sea.

As a restoration pilot, Spencer Island demonstrates the feasibility of applying techniques that rely primarily on natural processes. Scientists predict that re-establishing tidal conditions to the 50 acres of southern Spencer should displace the monotypic reed canary grass, seed the re-establishment of native intertidal plant communities, and open habitat for juvenile salmonids. The 350 acre enhancement to the north island stabilizes water levels to improved water quality, decrease water temperatures, and secure waterfowl nesting.

As a decade of monitoring begins, Spencer Island will be used as a public education and recreation site. It will provide the community with a place to enjoy bird watching and learn about the benefits of wetland restoration. With this project, Snohomish County has taken on voluntary wetland restoration work as a valuable role of local government, and is moving forward with other restoration efforts in the lower Snohomish watershed.

For more information about this project contact Debbie Terwilleger at Snohomish County Parks and Recreation, (206) 388-6616.

Chapter 2:
Selecting a Stewardship Strategy

There are many techniques used to protect wetlands on private lands. Which approach is best depends on many factors: the landowner's needs, the functions a particular wetland performs, and the contribution of those functions to the watershed.

Selecting the appropriate stewardship strategy involves:
1) assessing needs (this includes an awareness of opportunities and limitations for both the landowner and the wetland), and
2) choosing the stewardship options which best fit these needs.
After a strategy is decided upon, then one seeks the technical and financial resources to get the job done (see Chapters 3 & 4).

It is not uncommon for a stewardship strategy to include more than one stewardship option and employ more than one technical/financial support program. For example, a landowner may choose to permanently preserve a restored wetland and in so doing apply a conservation easement to the property while also qualifying for current use taxation classification. Also there are few wetland sites where preservation can be done without some work to recover the site from past human impacts. Thus enhancement to remove invasive exotic plants may be a necessity with accompanying application of long-term management to sustain the wetland over time.

Assessing the Needs

The process begins by helping the landowner assess their needs and evaluate the conservation potential of the wetland. It is important during this phase to introduce the landowner to the breadth of stewardship alternatives. That can help clarify what is important to them and what they can or can't afford.

The following box summarizes items to consider when assessing the three core areas of landowner needs, wetland qualities, and the watershed context. A brief discussion of each box follows. Appendix D-1 provides a worksheet with some key questions to consider in gathering this information.

Identify landowner needs	**Evaluate wetland**	**Evaluate property in its watershed context**
• Conservation interests • Owning/Living on land • Economic needs • Activities on the land • Problems or other needs	• Type and amount of wetland • Functions of wetland • Condition of wetland • Wetland sustainability	• Characteristics and problems of the watershed • Land-uses • Opportunities

Identify the needs of the landowner

Landowners vary in lifestyle, financial status, and conservation goals. What is the most suitable match between the landowners situation and the stewardship options available?

Key items to consider: What are the conservation interests of the landowner? Do they want permanent protection for the property or not? Is their conservation interest in wildlife, water quality, aesthetics, etc.? Are they interested in continuing to own and/or live on the property? What are their economic needs? Can they carry the cost of owning and managing the land? What are their estate planning needs and future tax liabilities? Do they need an economic return or compensation from the property? What activities will be permitted on the land: public access, extractive activities, development, agricultural production? Are there management problems with water quality, erosion, etc. or legal limitations on the land? What other special needs does the landowner have?

Evaluate the wetland on the property

Equally important in determining a stewardship strategy for the property is to understand the wetland's functions and ecological health. Knowing the condition allows for an assessment of its overall sustainability.

Key items to consider: What is the type of wetland? What percentage of the total property does the wetland occupy? What functions does it provide and what condition is it in? What preservation, restoration, or management does it need to be sustainable?

A new tool is available for assessing functional performance of a wetland based on a comparison to other wetlands of its class and subclass. The Washington State Functional Assessment Project conducted by Department of Ecology has completed the first volume of Methods for Assessing Wetlands Functions and is working on the second volume. Volume I for Riverine and Depressional Wetlands in the Lowlands of Western Washington has been available since 1998, and Volume II for Depressional Wetlands of Eastern Washington will be forthcoming soon. For these classes of wetlands, the methods offer the best available science for determining functional condition of a wetland system.

Unfortunately, these volumes have not yet been developed for all wetland classes found in Washington, such as estuarine systems. Nor, are the methods easily applied by someone who has not been trained in their use. However, they offer a valuable tool for understanding the condition and unique stewardship needs of a broad range of wetlands.

As a fall-back, the Oregon Freshwater Wetland Assessment Methodology can be used. It is a good general tool for gauging the relative quality of a wetland. However, there are several limitations regarding its application: 1) it was designed as a community planning tool to make comparisons between many sites, not simply evaluate one, 2) it will not properly evaluate urban wetlands unless the urban criteria are used, 3) it was designed specifically for Oregon wetlands, although Washington wetlands are similar, and 4) it is for freshwater systems only.

If unfamiliar with making wetlands assessments it is advisable to contact a wetlands resource professional for help. Places you can go to get this help are: Washington State Department of Fish and Wildlife field staff, local area wetland consultants, some resource

staff at Natural Resource Conservation Service offices or Conservation Districts, and sometimes wetland resource volunteers with local land trusts.

Evaluate the property in its watershed context

Lastly, it is important to consider the role of the wetland in the basin or watershed. Here is where the preparation toward selecting a stewardship strategy meets the challenge of contributing to the larger human and non-human community in a broader landscape context. Although traditionally left out of a landowner's decision making process, including the watershed perspective has become more critical to communities in the Pacific Northwest.

Landowners who recognize their role as "citizens of a watershed" should be encouraged to take this additional step in defining their stewardship goals and objectives.

Key items to consider: What are the land ownership patterns and presence of protected open space? What are the known resource problems in the watershed that stewardship of the wetlands will address? How is land used in the watershed? What are the land use trends and current zoning and regulations? What opportunities are present such as a real estate market for open space amenities or local government stewardship programs?

Also, a good place to go for gauging the benefit of a particular wetland in the larger watershed context is to contact local community watershed groups who conduct natural resource assessment and long-range planning for the preservation of watershed health. Discuss with them their understanding of watershed issues within the area where the wetland is located and query regarding the watershed protection and recovery needs for which stewardship of the wetland will contribute benefits.

If a River Basin Characterization of the natural resources has been conducted for the watershed, the specific watershed processes that are deficient on the landscape should be clearly known and thus the contributions of the wetland on the landscape more easily identified and then managed to maintain their function.

Preservation, Restoration, or Better Management?

Best candidates for preservation:

- **Threatened or Endangered species** of plant, wildlife, or fish are present documented occurrences recognized by federal and state agencies.)
- **High Quality Native Wetland Communities** (as identified by the Washington Natural Heritage Program.)
- **Regionally significant waterfowl or shorebird concentration areas.**
- **Irreplaceable ecological functions:**

a) Bogs and Fens:

At least 1/2 acre of contiguous relatively undisturbed area with a cover of invasive species* that is less than 10% of total surface area

b) Mature Forested Wetlands:

1) At least 50% of forest canopy contains evergreen trees over 80 years old or deciduous trees over 50 years old, or

2) At least 50% of the forest canopy has trees taller than 50', and the structural diversity is high as characterized by a multi-layer community of trees >50' and trees 20'-49' tall and shrubs and herbaceous groundcover, and

3) <25% of the cover in the herbaceous/ground cover or shrub class are invasive exotic plant species*.

c) Estuarine Wetlands

d) Eelgrass and Kelp Beds

* *For a list of exotic plant species, reference the WA State Wetlands Rating System, Ecology pub. # 91-58*

Good candidates for preservation:

- **Wetlands of Documented Local Significance:**
  - Is locally rare
  - Documented as a groundwater recharge area, or contributes functional value to a local water quality or flood mitigation program
  - Provides habitat for fish and wildlife that is considered important to the local community
  - Is a recognized or planned educational site
  - Is part of a recognized or planned recreation resource
  - Is part of an open space or planned open space resource
  - Is planned for restoration or enhancement as part of a local protection program
  - Is part of a wildlife corridor or connects wetland areas of greater value
  - Is recognized and valued as part of the local landscape
  - Is considered sensitive to development or disturbance
  - Is considered locally irreplaceable
  - Is a buffer area for a growth management boundary
  - Is an integral part of a wetland system that would benefit from better overall protection
  - Satisfies other criteria developed by local government in its comprehensive planning process

Preservation, Restoration, or Better Management? (continued)

Good candidates for restoration/enhancement:

- **Both quantity and quality of water can be re-established** to near-predisturbance levels (for restoration). Or when adequate water is available (for enhancement).
- **Substantial potential to re-establish a wetland of local significance** (as defined earlier) using restoration or enhancement.
- **Site's current condition does not support:** threatened and endangered species, high quality native wetland communities, regionally significant waterfowl or shorebird concentration areas, or irreplaceable ecological functions such as bogs and fens, mature forested wetlands, estuarine wetlands, or eelgrass and kelp beds; unless evaluated and planned by a team of professional wetland restoration ecologists.
- **A restored or enhanced wetland has the potential to provide a limited function in the watershed** which contributes to correcting a community watershed problem. (i.e., such as wild salmonid recovery, flood attenuation, water quality improvement, etc.) Note: Determined by conducting a functional assessment.
- **An adequate buffer** is present or can be established.
- **Historic wetland area occurs solely on properties where parties are interested in participating** or a joint agreement is reached with all affected landowners.

Good candidates for better management:

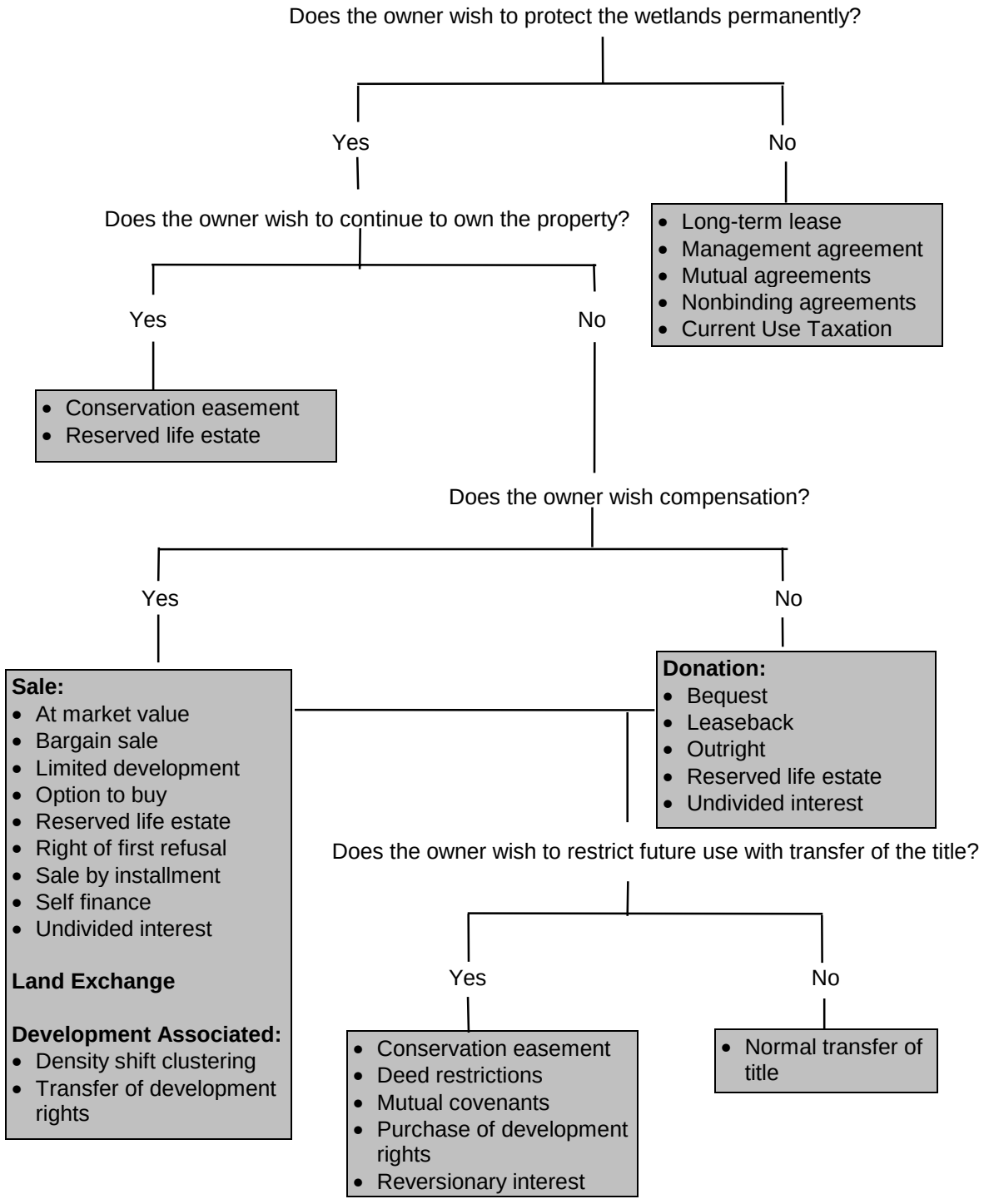
- **A land use activity causes or contributes to environmental impacts** such as erosion, water quantity or quality problems, and habitat loss:
  - Visible evidence of erosion such as exposed shoreline, sediment fans, mud bars, or rapid dramatic changes in vegetation.
  - The normal water level is noticeably increasing or decreasing from long-term norms.
  - Evidence of water quality degradation can be seen, such as algal blooms, dead fish, etc.
  - Signs of reduced plant diversity are evident, such as plant communities transitioning to fewer types, invasive non-native species appear and spread (like reed canarygrass), and rapid changes in open water.
- **Little or no buffer around the wetland.**
- **Important habitat use exists now,** such as heron rookeries, bald eagle or osprey nests, migratory waterfowl feeding, or salmon life-cycle support (to name a few), which need to be protected from impacts by the land-use activity.

Choosing Stewardship Options

With a firm understanding of the landowner's needs, the wetland's characteristics, and the role of the wetland in the basin/watershed, a stewardship strategy can be defined based on solid goals and objectives for the site. At this point it becomes possible to choose among the stewardship options for those best suited to achieving the strategy goals.

A simple approach for screening option(s) is a decision tree . A commonly used decision tree for preservation options appears on the following page. Note that this decision tree includes some management-related options such as agreements and leases, as well as development-associated options, but does not cover stewardship approaches in the areas of best management practices and restoration.

Choosing Stewardship Options



Stewardship Techniques

Property ownership is made up of a "bundle of rights" to the land that apply on, above, and below ground. These include the right to develop the land, the right to harvest timber or extract minerals, the right to access, and the right to preserve the land, etc.

- "fee-simple" ownership, transfers all rights associated with the property to the new owner and is the most common form of real estate transaction. It allows for "unconditional power of disposition" over the property rights; i.e., no property rights are reserved by others.
- "Less-than-fee" ownership provides the new owner or second party with some of the rights to the property, while the primary owner retains the remainder of the property's rights. This represents a "mixed power of disposition."

Implementing a stewardship strategy requires making decisions about the best approach for both ownership and management of the wetland. In some cases when the wetland is unique or fragile, a transfer of ownership and/or some rights is warranted. Also when stewardship of the wetland may require intensive day-to-day management, relinquishing ownership or some rights may be desirable. Ownership transfer is not always necessary however. For example, if the property is in agricultural or timber production, it is possible that the application of best management practices can help to minimize impacts and better conserve wetlands or riparian areas.

The following discussion and supporting tables provide an overview of some ownership and management agreement options that can be applied to address the stewardship needs. Advantages and disadvantages are listed for each. [Note that the category of best management practices and restoration does not have an accompanying table.]

Land donation

Table 1 provides a description of donation options. The options included are: bequest, leaseback, outright donation, reserved life estate, and undivided interest.

By donating land the owner ensures that the wetland will be managed and maintained by a conservation organization or land protection agency. It can be an excellent way to provide total protection to a valuable wetland. Often it may be the only way a conservation organization or agency can obtain a site when funds are not available to make an outright purchase. When making a donation the landowner can potentially receive deductions on income, estate, and property taxes. An outright donation where the full title and ownership is immediately transferred to a conservation organization brings the largest tax deduction.

It is essential for landowners who donate their land to make sure that a qualified appraiser documents the value of the land for IRS purposes. The landowner should also consult a tax expert in regard to any potential tax benefit from donating the land. The Land Trust Alliance has information on the tax benefits of donation (see Chapter 3 on Land Trusts).

Land sale or exchange

Table 2 provides a description of sale options. They are: bargain sale, full market value, installment, option to buy, reserved life estate, right of first refusal, and self finance. Land exchanges are another option that provides the landowner full compensation for transfer, and certain types can provide tax benefits.

Outright sale of a wetland to a government body or a conservation organization is an excellent way to provide full protection to a wetland. With this option, full price is paid for the property and the buyer takes full possession of the property upon completion of the deal. This gives the purchaser the most flexibility in implementing a full conservation plan. Such plans might include habitat restoration or enhancement, and provisions for public access. However, it is usually challenging for government agencies or conservation organizations to obtain funds for direct acquisition, so this technique is used only for the most valuable wetlands. However, there are several variations on land sales which provide some relief for this situation.

Transfers with conditions and other agreements

Table 3 provides descriptions for transfers with conditions, leases, and other agreements. Transfers with conditions include: conservation easements, deed restrictions, covenants, and reversionary interest clauses. Leases and other agreements for property management include: long-term lease, non-binding agreements, management agreements, mutual agreements, and current use taxation classification. Two of the most commonly used options: conservation easements and current use taxation classification are presented in more detail.

Conservation easements

Conservation easements can provide considerable protection for a wetland, and are most commonly used when outright donation or sale of the entire property to an appropriate entity is not the preferred option. Conservation easements allow the property owner to retain ownership of the land and often receive property tax deductions while legally assuring that the wetland will be preserved. Conservation easements can either be donated or sold.

A conservation easement is a binding agreement and transfer of certain property rights between the private landowner and another party, the "holder." Conservation easements restrict the type and amount of development that can take place on the land; often extinguishing development rights completely. Easements are recorded on the deed and therefore "run with the land," applying to both the present and all future owners.

Restrictions are placed on the property to retain the natural, scenic, historical or open space characteristics of the land. Conservation easements work by separating the development rights of the land from the land itself. The owner sells or gives the development rights to a government agency or conservation organization such as a land trust, while retaining ownership of the property. Easements are a highly flexible conservation option. Restrictions placed on the property can be tailored to the needs of the landowner and the unique natural attributes of the property.

To set up a conservation easement, a "holder" or "grantee" must be identified as the willing recipient responsible for oversight of the terms. This needs to be a government agency or a private conservation organization such as a non-profit land trust which is interested in preserving the natural values of the land. It is their responsibility to ensure that present and subsequent owners

of the property abide by the terms of the easement. They monitor the property and enforce the easement restrictions if necessary. To deter the long-term costs for this service they usually require that a cash "endowment" accompany the conservation easement if it is granted as a gift. There are also choices as to who manages the property after the easement is in place. Some holders are willing to take responsibility for management of the unique features, such as wetlands, or they may agree to do so for a fee or contract with another agency or organization.

An easement may be placed on all or part of the property. For example, an easement may be used to protect only the wetlands portion of a property, while the property owner retains the ability to develop the rest of the land. Often easements are applied to acquire a particular feature or enhance the protection of privately owned land adjacent to parks or other protected natural, scenic, or wildlife areas. Conservation easements for wetlands are most effective when they include some adjacent property to form a buffer against non-compatible uses and impacts.

The property owner retains full right to sell the property. The land under easement is transferred with the title of the property when the land is sold or otherwise changes ownership. To the extent that subdivision is allowed, the conservation easement will continue to effect all the land. Even if land use regulations for wetlands change, conservation easements and their accompanying restrictions remain in place. While political administrations come and go, easements remain.

There are economic benefits for entering into an easement, in addition to the satisfaction gained by protecting valuable land. A conservation easement may reduce the market value of the land to the extent that it limits development and potential use. A reduction in the market value will reduce the land's assessed value, which may reduce property and estate taxes. In addition, in the case of a donated easement, the landowner would be able to claim the donated value as a charitable contribution for income tax purposes.

Models and guidance for constructing conservation easements are available in a number of places. Refer to *The Conservation Easement Handbook* and other references in Appendix B.

Open space current use taxation classification

State law RCW 84.34, known as Current Use Taxation (CUT) enables local governments to reduce property taxes on private lands that are classified as open space. Lands that are classified as open space under the statute are assessed under their "current use" (i.e. as wetlands) rather than their potential development use.

Depending on the length of time a property is in the program, the landowner can defer or permanently reduce taxes. There are three categories of open space including timber, agricultural, and open. **It is the "Open" open space category that addresses wetlands and riparian area classifications.** In its simplest interpretation, qualifying open-open space properties include land designated by a city or county comprehensive plan that would "promote conservation of soils, wetlands, beaches, or tidal marshes." It also includes tracts of land in urban areas that are left in a natural state provided that the site is not less than one acre and is open to the public. Conditions of access may be imposed by the county during the classification process, although sensitive wetlands are now excluded from this requirement.

A special provision for applying a "public benefit rating system" (PBRS) was included in the legislation in the late 1980s. The provision allows local governments to enact by special ordinance locally-based criteria (a rating system) for evaluating and prioritizing properties applications for classification. With a PBRS, a community can decide what features are of highest "public benefit" to them and what amount of tax relief will be offered on the qualifying properties. The presence of multiple features or the placement of a conservation easement on the land usually qualifies the property for greater tax relief (in the instance of easements, it can be up to 90%). Several local governments have the PBRS option, or are currently developing one (see the Local Government Section in Chapter 3 for information on PBRS counties and how to enroll).

Once classified, owners must keep the property in the CUT program for 10 years to avoid penalties for premature withdrawal (20% of back taxes + interest). After 10 years withdrawal will require repayment of the difference between current use versus full market assessment, plus interest, for a period of 7 years. Classification as current use runs with the land, not the owner, continuing on the property as ownership's change. Any subsequent owner wishing to remove the classification, pays the withdrawal fees. This program offers conservation minded landowners a great opportunity to reduce property taxes when protecting sensitive lands such as wetlands.

Development associated

Table 4 provides descriptions of two development-related options: limited development strategies and transfer of development rights (TDRs). Although TDRs are a form of off-site density transfer, limited development works on-site. Some on-site density transfer options are briefly mentioned below. Also refer to the "Innovative solutions in urban areas" summary in the local government section of Chapter 3 for other ideas on development-related options.

On-site density transfers: density averaging, planned unit developments, and clustering

All of these approaches operate under local land-use regulatory programs and thus must be enacted by local government ordinance. In these approaches permitted density is shifted from one part of the site (a wetland or buffer area, for example) to another unconstrained location on the same site. Washington jurisdictions take a variety of approaches to density transfers, ranging from allowing 100 percent to zero transfer. A major consideration is whether to calculate density on the basis of net or gross acreage, deducting the wetland with its buffer or not.

Planned unit developments encourage planning of larger sites as a coordinated whole, rather than lot-by-lot. In most states, PUDs are considered a type of flexible overlay process that can be applied to any property. In Washington, however, State Supreme Court decisions have considered a PUD to be the equivalent of a rezone, thus requiring a lengthy and complex process for approval. A possible solution would be for local communities to develop a distinct PUD type process for wetland-related density transfers, with specific guidelines and criteria to address environmental concerns.

Cluster development is usually allowed as an option in existing zoning, and does not require a separate review or approval process, as does the PUD. Typically a lot clustering technique is used to preserve wetlands, open spaces, or sensitive areas. A number of jurisdictions in Washington State use cluster development provisions in conjunction with sensitive areas programs. Lot clustering generally allows credits to areas in common or public ownership in the determination of compliance with minimum lot requirements. For example, in King County's cluster ordinance a minimum lot size can be reduced from 10 acres to 1 acre, provided that 50% of the total parcel is left in permanent open space and all environmentally sensitive areas are included within the open space.

Off-site density transfers: transfer of development rights

Transfer of Development Rights (TDRs) relocate potential development rights from an area where resources are sensitive to an area where increased development will not harm the landscape. This is done by actually transferring the right to develop the property from one location to another. This transfer protects wetlands and other ecologically significant features of the land without curtailing development in the general area. TDRs allow land to remain in the private sector while avoiding development on environmentally significant sites.

The TDR works by assigning credits to property owners in an area of ecological significance or a conservation area experiencing strong development pressure. These credits can then be transferred to designated growth areas. Developers in designated growth areas can purchase the necessary credits from the owners of the conservation area and thus build to a higher density than is traditionally allowed.

Purchasing transferable development rights has been frequently applied to protecting farmland. Programs are set up in local communities to compensate willing landowners with cash for some or all of the difference between their property's urban development value and its agricultural value. Use of this method may result in a reduction of property taxes of the "donor" land after the transfer of the development credit.

Unfortunately though, TDRs are not applied often because it is difficult and time intensive to set up the credit system and the community must provide a strong development market to drive operation of the system.

Best management practices, enhancement, and restoration

Best Management Practices (BMPs) are cost-effective, best-science applications for land management that are applied when the owner is engaged in a land-use activity for which there is the desire or the need to reduce impacts to the environment. For example, free ranging cattle can create erosion, water quality, and habitat impacts along streams. One appropriate BMP would be to fence the stream at a sufficient distance from the water and plant native trees and shrubs.

Bioengineering is a BMP that is used when a shoreline or slope requires armoring and protection against erosion. When this tool is used (instead of rip-rap) it offers a "greener" solution, that restores natural vegetation to the system. Bioengineering can be used in several different wetland settings: riparian corridors, lake shores, and estuarine shorelines. Essentially, any shoreline that is receiving wave impacts from strong current or high velocity fetch.

Many BMPs exist for different impacts, landscapes, and economic needs. To identify BMP techniques best suited to the situation refer to BMP guidelines (see Appendix B for some references) and call the appropriate technical assistance agent (see Chapter 3 on assistance).

Enhancement is an action taken to improve one or more wetland functions to a level higher than that which occurred naturally, usually at the expense of other wetland functions. Enhancement often reflects an expression of human values, not necessarily ecosystem needs. For example adding an open water feature to a schrub wetland will attract waterfowl while reducing the existing habitat conditions for passerine birds and other wildlife. Another example might be diking an estuary to increase waterfowl production while excluding use by juvenile and adult salmon. Enhancements that trade-off functions should be undertaken with caution, for it is often difficult to identify all of the impacts a trade-off may have.

Restoration is the action of returning the natural hydrologic conditions to a system that has been altered by human use to the extent that the wetland hydrology is no longer present. Often restoration requires the removal of drain tiles, the breaching of dikes, return of beaver activity, etc. The return of hydrology to the site can in itself precipitate the recovery of native plant communities and habitats, which is the desirable goal of restoration. In restoration one can seek to return the wetland to its previous natural condition or simply to return it to a functioning wetland irregardless of any similarity it may represent to what it had once been. Refer to Appendix B for restoration information.

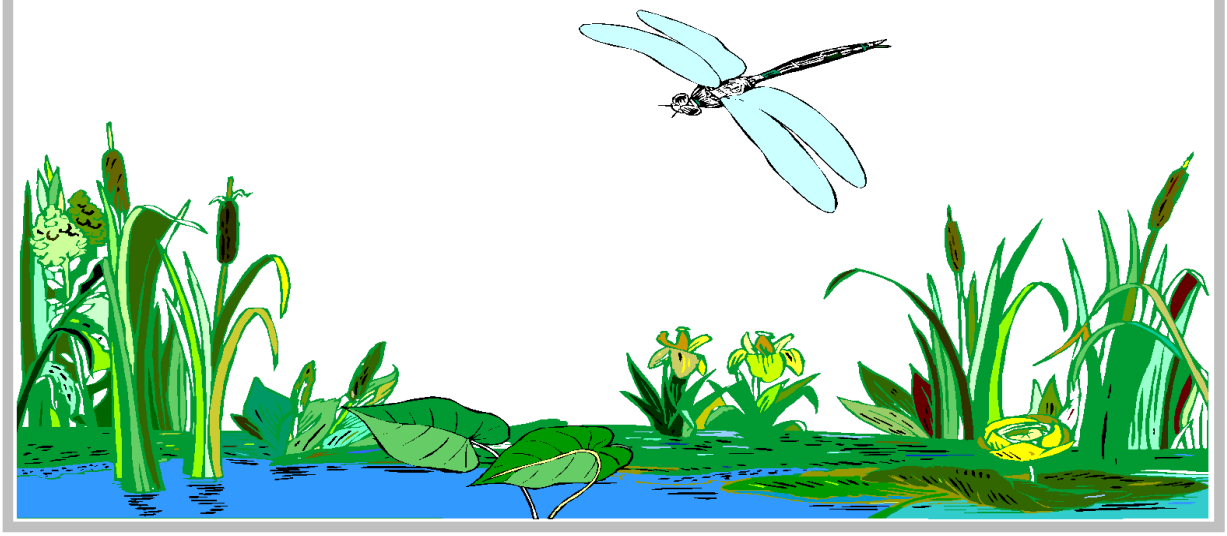
Holmquist Farm

The federal Wetlands Reserve Program (WRP) is one of the many recently created programs designed to help people protect the environment. WRP offers landowners a chance to get something in return for restoring and protecting wetlands on private property, and is proving to be a very rewarding experience to the landowner.

A good example of the success of the Wetlands Reserve Program is Gunnar Holmquist, a private landowner in eastern Washington who became involved in WRP in the summer of 1995. As Mr. Holmquist put it, "Our original intent was to provide habitat for wildlife but the project has ended up benefiting us as much as the wildlife. Seeing undisturbed wildlife has been so enjoyable, and has given us great satisfaction to see the results of our efforts." Mr. Holmquist owns 150 acres of mountain meadow in northeast Washington. He has spent the past two years working with the Natural Resources Conservation Service (NRCS), the US Fish and Wildlife Service, and the Washington State Department of Fish and Wildlife, and other agencies to restore the land to its natural state.

It all began when Mr. Holmquist and his mother bought the meadow which was previously a wetland. When he purchased the property, the area of the former wetland was completely drained. Holmquist worked with the US Fish and Wildlife Service to restore the stream which runs through the meadow and to create ponds. His future plans include re-establishing native cutthroat trout in the stream.

He became involved with WRP when Jim Gleaton, NRCS District Conservationist for Stevens County, came out to look at a potential dam site. After looking at the land, Gleaton mentioned that a new federal



program was established (WRP) to offer landowners payments for restoring and protecting wetlands in exchange for a conservation easement. “It is an absolutely sensible way to entice people to put aside a portion of their lands for wildlife and the environment,” said Mr. Holmquist. “You can’t ask people to do that for free because people work hard on their land and make a living from it. If you pay them and allow them to own the land and still get a pretty good cash return for the easement, it will make perfect sense to landowners of all types.”

After going through the WRP application process, NRCS specialists came out and determined which areas were classified as wetlands and those that were upland. NRCS was helpful, as was the US Fish and Wildlife Service, in identifying non-native plants to eradicate and offering techniques to reestablish native wetland species.

The meadow and wetland have come a long way since Mr. Holmquist first began restoration. However, there is still quite a bit to be done. Now Mr. Holmquist, with help from specialists at the NRCS, is removing about 30 acres of non-native grasses, which make a sod mat so thick it prevents the re-establishment of native trees, shrubs and grasses.

Since beginning restoration of the wetland, Mr. Holmquist reports a huge increase in the wildlife in that area. He has seen a wide variety of bird species, including eagles, hawks, woodpeckers, humming birds, and owls, to name a few. They compliment other wildlife on the land, such as moose, deer, beaver, elk, and porcupine.

When asked how he feels about WRP, Holmquist replied, “I think it’s an excellent program. It’s an inexpensive investment for the government to protect land that is very delicate. Once you start changing wetlands, everything falls apart in them, so paying the landowner to leave the wetlands alone is a great idea. I would absolutely encourage other landowners to get involved in WRP,” said Mr. Holmquist. “It’s a really rewarding, satisfying feeling that people won’t anticipate until they actually get involved and see the benefits of habitat that is put aside for other creatures on earth. There’s an enormous satisfaction in that.”

For more information about this project or enrollment in the Wetlands Reserve Program contact Ivan Lines at (509) 353-2335.

Tables of Stewardship Options

Table 1
Transfer the Title Without Compensation: Donations

Option	Description	Advantages	Disadvantages
Bequest	A donation at time of death provided for in a will.	• Allows the owner to retain full use and control of the land in their lifetime, while insuring the land's protection after death. • The owner may revoke the bequest at any time should circumstances change. • Reduces estate taxes	• Does not provide for income tax deductions during lifetime.
Leaseback	Property is donated to an agency or conservation organization but the original owner leases back the use of the land for a specified period of time.	• Original owner does not pay property taxes. • Reduction of estate taxes. • Saves on income and capital gains taxes.	• Having the right to lease as a condition of the gift may preclude taking a tax deduction for the donation of the property.
Outright	All rights to the land are given to a conservation organization or agency . A donation could also be made, where only some of the property rights are given away.	• Income tax deductions equal to the fair market value of the land. • Reduction of estate taxes. • Elimination of further property taxes. • Is a vehicle for preservation when the conservation organization or agency can not raise funds to purchase.	• The owner loses potential income from the sale of the land. • Maintenance and other management land costs must be covered by the receiving organization or agency, which may constitute a significant burden.
Reserved Life Estate or Remainder Interest	Donation of land with retention of rights by the landowner to use all or part of the donated land during their lifetime and/or the lifetimes of designated family members.	• Allows the donor to continue to live on the land and use it during their lifetime. • The donor only pays property taxes on the portion of the land retained for personal use. • May be able to claim income tax deductions on the value of what is given up prior to death. • Reduces estate taxes	• The donation may not be revoked if circumstances change within the donor's lifetime.

Table 2
Transfer the title with compensation: Sale or Exchange

Option	Description	Advantages	Disadvantages
Bargain Sale	The landowner agrees to sell the land to a conservation organization or government agency at a price below the full market value; the difference between the full market price and the selling price becomes a donation.	• Makes it easier for the government agency or conservation organization to obtain and preserve the land. • Lowers capital gains taxes for the seller. • Seller can claim an income tax deduction for the difference between the price received and the full market value.	• Income tax deductions and lowered capital gains may not offset the difference in lost sales revenue.
Full Market Value Sale	The landowner receives full market value for the land.	• Sale at full market value allows the landowner to receive full return.	• It is more difficult for conservation organizations and government agencies to raise sufficient funds to purchase the land. • Capital gains taxes are higher from full value sale.
Installment Sale	An outright sale of property where all or part of the purchasing price is deferred and paid in successive years. There are two types of installment sales: In one, a price is agreed on, title to the entire property is transferred, and payment is received in installments. In the other, a price for the entire property is agreed on, but the property is physically divided to transfer title in stages with payment.	• Defers actual payment of capital gains tax until the purchase money is received, thus spreading income for sale over a number of years. • Helps the buyer by allowing them more time to raise funds and reduce the initial outlay of capital.	• May raise complex issues over interest, arbitrage.
Land Exchange	A swapping of "like kind" properties with an interested party such as a government agency or conservation organization. The exchange may be for equal values or may be equalized by cash payment.	• The landowner can defer capital gains taxes.	• The interested party must consider the property of high enough priority to swap other lands for it, and they must have other lands available to trade.

Table 2
Transfer the title with compensation: Sale or Exchange

Option	Description	Advantages	Disadvantages
Option to Buy	A contract between the owner and a potential buyer that states the buyer may purchase the property at an agreed upon price within a certain period of time, often ninety days to a year. The buyer makes a payment for this option that if not exercised, is forfeited.	• Can allow the buyer time to raise money for the purchase.	• May delay the owners turn-over time.
Reserved Life Estate	The landowner sells the property to an agency or conservation organization with the agreement that the owner, and/or specified heirs, may continue to use the land during their lifetimes.	• The original owner continues to have use of the land as a residence.	• The amenities of the property would need to be high for a conservation organization or agency to agree
Right of First Refusal	This is a legally binding agreement which takes effect once the property is placed on the market. It specifies that a particular conservation organization or agency is given the right to match a bona fide purchase offer made by another buyer within a given period of time.	• Useful should the owner wish to allow the conservation organization or agency the ability of purchasing the land in the event of their death. • Gives a conservation organization extra time to acquire the funds necessary for purchasing the land.	
Self Finance	Where the owner is in a position to do so, they may choose to assist the purchasing organization or agency finance all or part of the sale. Two approaches are used the balloon note and interest only financing.	• This buys time for the organization to raise funds to protect the property.	• Requires a financial outlay by the owner, and therefore is limited by their willingness and ability to do it.
Tax Deferred Exchange	A form of land exchange in which the transfer of properties is not simultaneous. There is 45 days to identify a new property and 180 to close on it.	• The landowner can defer capital gains taxes. • "Like-kind" property can be interpreted as investment parcels, thus a wetland could be exchanged for a condo. • Can make the land asset more valuable to the owner.	• There are stringent time constraints on the transaction. • Requires a search to find a new property.

Table 3
Retain ownership and manage the property

Option	Description	Advantages	Disadvantages
Conservation Easements	A real property right and legal agreement between a property owner and a "holder or grantee" (a qualified conservation organization or government agency) that restricts certain uses of the land. Easements can restrict development of the land and specifically protect certain attributes such as wildlife habitat, wetlands, etc. They may apply to all or a part of the property and be for a specified period of time, or in perpetuity. Only perpetual conservation easements can provide tax benefits. The easement is an encumbrance on a property's title and thus "runs with the land," binding all present and future owners for the term of the easement. The holder's role is to monitor the property and enforce the restrictions in court if necessary. Cash endowments are customary to address these costs, if the easement is donated.	• If perpetual and a gift, easements can provide Federal income, estate, and gift tax benefits. • Allows the property owner to retain ownership of the wetland. • Easement restrictions are flexible within certain guidelines and can be adapted to fit the needs of the landowner. • Easements can provide permanent protection of wetlands. • Easements may result in reduced property taxes due to lowered assessed market values. • Management of the land may be turned over to the holder, if both parties are willing. • There is a holder to enforce the wishes of the landowner, in perpetuity if so desired. (NOTE: this is not the case with other techniques.)	• Usually involves giving up some rights relating to the use of property. • The market value of the property decreases. • The landowner continues to be responsible for all property taxes, but the easement holder may assume some of the maintenance costs of the land. • If donated as a gift, an endowment is usually required to cover monitoring and enforcement costs of the holder. • Enforceability of an easement is questionable if the "holder" is not a legitimate and adequately funded organization. • Enforcement might become an issue with successive land owners.
Deed Restrictions (With Reversionary Interest)	Are legally recorded conditions on the deed, similar to a conservation easement. However, there is no designated "holder" to enforce the conditions. But by applying a reversionary clause, if conditions are broken, title to the land transfers to a designated party.	• With the reversionary interest clause more long term strength is afforded the deed restrictions. • An endowment to cover enforcement isn't needed. • Property tax reductions might be available.	• Maintaining the restrictions beyond the original landowner's lifetime is more difficult, as there is no "holder" to enforce them. • The landowner can't claim any reduction in market value caused by the restrictions as a charitable deduction on income taxes or to reduce estate taxes.

Table 3
Retain ownership and manage the property

Option	Description	Advantages	Disadvantages
Leases	Temporary agreements for the rental of land by a landowner to a conservation organization or agency for a specified period of time.	• The landowner receives payment on a monthly basis for the leased property. • Provides an alternative if landowners do not wish to transfer their land to a conservation agency or organization but want to see it used or protected by such a group for a period of years. • Certain restrictions can be incorporated into the lease to guide the activities of the conservation agency on the land, including provisions to terminate the lease if the conservation agency does not use the property as directed.	• Unless restrictions are made by the landowner, leases generally allow unrestricted and exclusive control of the land by the agency leasing the property. • No tax benefits accrue to the landowner. • Does not provide for protection in perpetuity.
Management Agreements	A formal, but temporary, agreement between the landowner and a conservation agency whereby either the landowner or conservation agency agrees to manage the property in a manner consistent with the goals of both parties, defined in a stewardship plan. These agreements can usually be canceled with 30-days notice and are renewed on an annual basis. NOTE: Nonbinding Agreements are less formal hand-shakes between these same parties.	• Direct payments and other types of cost-share assistance may be available to the landowner. • The organization that helps develop the plan often provides management assistance and monitors compliance. • Ordinarily it is easier to terminate than a lease and does not involve possession of property.	• Management agreements are temporary. • No tax benefits are associated with agreements.

Table 3
Retain ownership and manage the property

Option	Description	Advantages	Disadvantages
Mutual Covenants	Neighboring landowners with a common conservation interest may sign and record an agreement containing restrictions similar to an easement. The agreement, like an easement, would then bind subsequent owners. Any current or future owners could enforce the agreement. (Note: the informal commitment between neighbors is a mutual agreement)	• The covenant can be enforced by any current or future landowners of the properties. • There is significant incentive to comply with the restrictions knowing the landowner's neighbors are aware of what can and cannot be done on their property.	• The loss in market value from mutual covenants cannot be claimed as a charitable deduction on income tax returns. • May not be as lasting as easement, because they are subject to the doctrine of changed conditions: where a court could refuse to enforce the covenants if it felt that it was no longer possible to achieve the benefits sought when the covenants were imposed. • (Note: mutual agreements provide no tax benefit or permanent resource protection).
"Open" Open Space Current Use Classification	Property enrollment in a local county's "Open Space" Current Use Taxation Program. Under this program, properties with wetlands of particular value to the community can be eligible for property tax reduction if maintained in their current natural state.	• Some properties may receive a considerable reduction in property taxes, for as long as the landowner is willing to retain the land in open space classification. • After the minimum 10-year period, the landowner can withdraw the property from classification. • Properties with conservation easements usually qualify at the highest rate of tax reduction.	• Change in the property status to an unqualified use, or withdrawal is subject to the repayment of back taxes for up to seven years, plus interest, and a penalty. • After the minimum 10-year period, the landowner can withdraw the property from classification.
Undivided Interest	This is a percentage of ownership in an entire property. (For example, three children can share ownership in an inherited family farm.) Granting an undivided interest to a non-profit organization gives them a voice in management of the land.	• Donation of an undivided interest to a non-profit may provide an income tax deduction if done within the owner's lifetime, and may lower the estate tax liability of heirs. • Each owner shares a percentage of the property costs such as taxes and maintenance in proportion to their share of the total.	• Each owner shares in a percentage of the property income in proportion to their share. • Each owner has the right to force the sale of the property.

Table 4
Conservation in the context of development

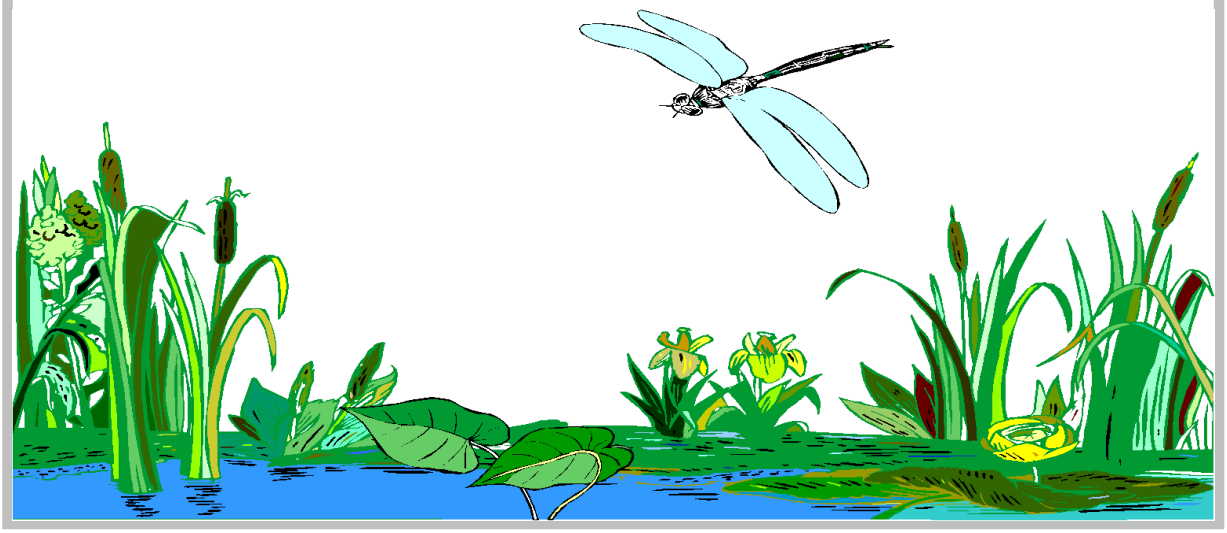
Option	Description	Advantages	Disadvantages
Limited Development	Involves the development of the least sensitive portion of the property to finance the preservation of the remaining sensitive portions. To permanently preserve the remaining sensitive features from further activity, a conservation easement is usually applied.	• Where land values are high, this approach can allow enough funds to protect the remaining sensitive areas. • Can help achieve the landowners financial needs. • Often profits forgone by not developing all the land are offset by the increased marketability of a site that contains desirable natural amenities (especially for office parks & residences). • Tax advantages may be realized from recording a conservation easement over the undeveloped part of the land.	• This is very much a limited approach in that it can only be used on large parcels where conditions allow for development without endangering the sensitive feature.
Transferable Development Rights (TDRs)	A method of relocating potential development from an area where the local government wishes to limit development to an area where it is willing to see increased development; local government enacts TDR structure through local zoning or other land use ordinance or regulation; the landowner is allowed to sell development "credits" to a purchaser in an area where the local government is prepared to allow development at increased densities.	• The transfer protects wetlands and other ecologically significant features of the land without curtailing development in the area. • TDRs allow land to remain in the private sector while avoiding undesirable development. • TDRs do not require the expenditure of public funds for acquisition, but have same effect. • TDRs may result in a reduced property tax assessment of the "donor" land after transfer of the development credit.	• Use is limited to counties with enabling legislation. • Complicated standards for the allocation, purchase, and sale of development rights must be established to provide a legally defensible system. • Planning and administrative costs are high. • It is difficult to accurately apportion development credits among landowners. • "Receiving" areas are often hard to find.

Barrier Free Hunting and Viewing Blinds

Since the passage of the Americans with Disabilities Act in 1990, accessing and enjoying the great outdoors for citizens with disabilities has improved. However, access to wetlands for recreation and viewing has continued to be difficult for persons with disabilities. Since 1988, the Department of Fish and Wildlife (WDFW) has committed to meet that challenge. More than 10 projects have been done on state and private lands to install barrier-free waterfowl viewing and hunting blinds across the State. The number of users of these sites continues to increase as more people with disabilities learn about the opportunity.

One such project is the Goeres farm located in the Chehalis Basin of Grays Harbor County. This 75 acre wetland was selected for many reasons: it was a key area in the basin for waterfowl, already having large concentrations of birds; the site floods early in the season; it is adjacent to the Chehalis Wildlife Management Area; and the landowner was interested in helping with the project.

At the start of the project, a Cooperative Habitat Agreement was established with WDFW to restore and enhance the property. These agreements commit agency staff and money to specific activities that improve wildlife habitat on the property. They are generally long-term (most landowners agree to 10 or more years), but can be terminated at any time by either party. The landowner and the WDFW also signed an Access Agreement. Under these agreements, the landowner permits hunting on their property. The agency provides signs stating that the owner permits hunting with or without permission. Participation in this



program also removes landowner liability in the event a hunter is injured on the property.

As the project began, natural vegetation was allowed to reestablish, replacing farmed lands with low grasses and brush. A 150 foot barrier-free compacted gravel pathway was constructed to the blind from the parking area. The owner was paid to leave corn and barley in place to provide cover for nesting ducks and a winter food source. Now that wetlands vegetation dominates the site, it is being used by mallards, bluebills, merganser, bufflehead, teal and pintail ducks, Canada geese, and other wildlife.

This project is a great success, creating enjoyment for many disabled persons at a minimal cost. Construction of the blind, access road and path totaled only $3,400. Cost for materials and equipment operator were covered by the Volunteer Cooperative Fish and Wildlife Enhancement Program. All labor except the equipment operator, was voluntary, including three wheelchair volunteers who helped coordinate, write and administer contracts, and perform on-site inspections/testing.

The project really works for the landowner. Bill Goeres said, "I really hope more disabled persons use it." He really feels good about the opportunity it provides as he enjoys watching wildlife himself. He was so inspired by positive responses to the waterfowl blind that he opened an additional 600 acres of his property to the public for hunting under the Upland Restoration Program operated by the WDFW.

For more information about this project, contact Greg Schirato, at the WDFW at (360) 427-2164 or Rory Calhoun at IAC at (360) 902-3022.